

Assembly Constitutional Amendment No. 30

RESOLUTION CHAPTER 77

Assembly Constitutional Amendment No. 30—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by repealing and adding Section 6 of Article XIX thereof, and by adding Article XIX A thereto, relating to transportation.

[Filed with Secretary of State June 25, 1998.]

LEGISLATIVE COUNSEL'S DIGEST

ACA 30, Murray. Transportation: funding.

(1) The California Constitution requires the revenues from taxes imposed by the state on motor vehicle fuels for use in motor vehicles upon public streets and highways, over and above the costs of collection and refunds authorized by law, to be used for public streets and highways and exclusive public mass transit guideways purposes, as specified. Revenues from fees and taxes imposed by the state upon vehicles or their use or operation, over and above the costs of collection and any refunds authorized by law, are required to be used for those purposes and the administration and enforcement of laws regulating the use, operation, or registration of vehicles used upon the public streets and highways.

The California Constitution authorizes the revenues specified above to be temporarily loaned to the State General Fund upon condition that amounts loaned be repaid to the funds from which they were borrowed.

This measure, instead, would authorize the loan of the specified revenues to the General Fund only if a condition is imposed requiring that repayment of any loan be made in full to the fund from which it was borrowed (a) during the same fiscal year in which the revenues were loaned, except as specified, or (b) within 3 fiscal years from the date on which the loan was made, and the Governor has proclaimed a state of emergency and declares that the emergency will result in a significant negative fiscal impact to the General Fund, or the projected aggregate amount of General Fund revenues for the current fiscal year, as projected by the Governor in a report to the Legislature in May of the current fiscal year, is less than the aggregate amount of General Fund revenues for the previous fiscal year as specified in the Governor's Budget as submitted in the current fiscal year.

The measure would require that any loan of the specified revenues to local transportation agencies, cities, counties, or cities and counties be repaid, with interest, as specified, to the fund from which it was

borrowed, not later than 4 years after the date on which the loan was made.

(2) Existing law designates the Public Transportation Account in the State Transportation Fund a trust fund and requires that the funds in the account be available, when appropriated by the Legislature, only for transportation planning and mass transportation purposes, as specified by the Legislature.

This measure would authorize the loan of funds in the account to the General Fund only if the amount loaned is repaid in full to the account (a) during the same fiscal year in which the funds were loaned, except as specified, or (b) within 3 fiscal years from the date on which the loan was made, and the Governor has proclaimed a state of emergency and declares that the emergency will result in a significant negative fiscal impact to the General Fund, or the projected aggregate amount of General Fund revenues for the current fiscal year, as projected by the Governor in a report to the Legislature in May of the current fiscal year, is less than the aggregate amount of General Fund revenues for the previous fiscal year as specified in the Governor's Budget as submitted in the current fiscal year.

(3) Existing law authorizes a county board of supervisors to establish a local transportation fund in the county treasury for deposit of certain revenues derived from local sales and use taxes imposed under the Bradley-Burns Uniform Local Sales and Use Tax Law. The money in the fund is required to be used for specified local transportation purposes.

This measure would designate all local transportation funds as trust funds and would prohibit a local transportation fund created pursuant to law from being abolished.

The measure would require that money in a local transportation fund be allocated only for the purposes authorized under specified provisions relating to funding of local transportation, as those provisions existed on October 1, 1997. The measure would prohibit both the county and the Legislature from authorizing the expenditure of any of the money in a local transportation fund for any purposes other than those specified above.

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1997–98 Regular Session commencing on the second day of December 1996, two-thirds of the membership of each house concurring, hereby proposes to the people of the State of California that the Constitution of the State be amended as follows:

First—That Section 6 of Article XIX thereof is repealed.

Second—That Section 6 is added to Article XIX thereof, to read:



SEC. 6. The tax revenues designated under this article may be loaned to the General Fund only if one of the following conditions is imposed:

(a) That any amount loaned is to be repaid in full to the fund from which it was borrowed during the same fiscal year in which the loan was made, except that repayment may be delayed until a date not more than 30 days after the date of enactment of the budget bill for the subsequent fiscal year.

(b) That any amount loaned is to be repaid in full to the fund from which it was borrowed within three fiscal years from the date on which the loan was made and one of the following has occurred:

(1) The Governor has proclaimed a state of emergency and declares that the emergency will result in a significant negative fiscal impact to the General Fund.

(2) The aggregate amount of General Fund revenues for the current fiscal year, as projected by the Governor in a report to the Legislature in May of the current fiscal year, is less than the aggregate amount of General Fund revenues for the previous fiscal year, adjusted for the change in the cost of living and the change in population, as specified in the budget submitted by the Governor pursuant to Section 12 of Article IV in the current fiscal year.

(c) Nothing in this section prohibits the Legislature from authorizing, by statute, loans to local transportation agencies, cities, counties, or cities and counties, from funds that are subject to this article, for the purposes authorized under this article. Any loan authorized as described by this subdivision shall be repaid, with interest at the rate paid on money in the Pooled Money Investment Account, or any successor to that account, during the period of time that the money is loaned, to the fund from which it was borrowed, not later than four years after the date on which the loan was made.

Third—That Article XIX A is added thereto, to read:

ARTICLE XIX A
LOANS FROM THE PUBLIC TRANSPORTATION ACCOUNT
OR LOCAL TRANSPORTATION FUNDS

SECTION 1. The funds in the Public Transportation Account in the State Transportation Fund, or any successor to that account, may be loaned to the General Fund only if one of the following conditions is imposed:

(a) That any amount loaned is to be repaid in full to the account during the same fiscal year in which the loan was made, except that repayment may be delayed until a date not more than 30 days after the date of enactment of the budget bill for the subsequent fiscal year.

(b) That any amount loaned is to be repaid in full to the account within three fiscal years from the date on which the loan was made and one of the following has occurred:



(1) The Governor has proclaimed a state of emergency and declares that the emergency will result in a significant negative fiscal impact to the General Fund.

(2) The aggregate amount of General Fund revenues for the current fiscal year, as projected by the Governor in a report to the Legislature in May of the current fiscal year, is less than the aggregate amount of General Fund revenues for the previous fiscal year, as specified in the budget submitted by the Governor pursuant to Section 12 of Article IV in the current fiscal year.

SEC. 2. (a) As used in this section, a “local transportation fund” is a fund created under Section 29530 of the Government Code, or any successor to that statute.

(b) All local transportation funds are hereby designated trust funds.

(c) A local transportation fund that has been created pursuant to law may not be abolished.

(d) Money in a local transportation fund shall be allocated only for the purposes authorized under Article 11 (commencing with Section 29530) of Chapter 2 of Division 3 of Title 3 of the Government Code and Chapter 4 (commencing with Section 99200) of Part 11 of Division 10 of the Public Utilities Code, as those provisions existed on October 1, 1997. Neither the county nor the Legislature may authorize the expenditure of money in a local transportation fund for purposes other than those specified in this subdivision.

